

**Minutes of the
City Commission for the City of Traverse City**



Regular Meeting

March 21, 2016

A regular meeting of the City Commission of the City of Traverse City was called to order at the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan, at 7 p.m.

The following Commissioners were in attendance: Mayor Jim Carruthers, Mayor Pro Tem Ross Richardson, Brian Haas, Gary Howe, Richard I. Lewis, Amy Shamroe.

The following Commissioner was absent: Tim Werner.

The Pledge of Allegiance was recited.

Mayor Jim Carruthers presided at the meeting.

Moved by Howe, seconded by Lewis, that City Commission Rule 9(a) be suspended to add the following item as Old Business 3(d) to the agenda:
“Consideration of a request from The Woda Group for the City Commission to extend the date by which construction must commence in connection with its PILOT at 520 Railroad Avenue.

CARRIED unanimously. (Werner absent)

As requested by City Manager Marty Colburn, Agenda Item 2(d) was removed from the Agenda.

As requested by Mayor Pro Tem Ross Richardson, Agenda Items 2(b), 2(i), and 2(m) were removed from the Consent Calendar for individual consideration by the Commission.

As requested by Rick Buckhalter, 932 Kelley Street, Agenda Items 2(c) and 2(g) were removed from the Consent Calendar for individual consideration by the Commission.

2. Consent Calendar

Moved by Richardson, seconded by Haas, that the following actions as recommended on the amended Consent Calendar portion of the Agenda be approved:

- a. The minutes of the March 7, 2016, Regular Meeting and March 14, 2016, Study Session, be approved.
- b. Removed from the Consent Calendar.
- c. Removed from the Consent Calendar.
- d. Removed from the Agenda.
- e. The Mayor and City Clerk execute an assignment of the letter of agreement with the National Cherry Festival (NCF) to The Festival Foundation (d/b/a National Cherry Festival), which outlines the terms and conditions of its use of City resources in connection with the 2016 and 2017 National Cherry Festival, such assignment subject to approval as to its substance by the City Manager and its form by the City Attorney; and that City Clerk be authorized to issue the related Street Use and Park and Public Land Use Permits to The Festival Foundation; and finally, that the portion of the City Commission action of January 19, 2016, authorizing the City Clerk to issue the related Street Use and Park and Public Land Use Permits to the National Cherry Festival, be superseded.
- f. The portion of the City Commission action of February 16, 2016, providing that the Bryan Crough Memorial budget of \$50,000, be rescinded; and that the City Commission approves the project without a limit in dollar amount, provided all funds for the project come from outside sources.
- g. Removed from the Consent Calendar.
- h. The Mayor and City Clerk execute the adoption agreement for the 401 Plan with the International City Managers Association for Plans 109157 and 108209, which is a housekeeping matter as required by the Internal Revenue

Service.

- i. Removed from the Consent Calendar.
- j. The City Manager be authorized to issue a purchase order to SEW-Eurodrive, Inc., in the amount of \$8,214.30 for the purchase of two Flocculation Tank Mixer Motors for use at the Water Treatment Plant, with funds available in the Water Fund for these needed replacements.
- k. The Mayor and City Clerk execute an agreement with Beckett-Raeder in the not-to-exceed amount of \$63,750 for site plan design services for Phase I Hickory Hills Improvements and construction management services for the Hickory Hills Maintenance Building, with the cost of the site plan design service (\$25,000) to be provided by Preserve Hickory and regarded as a match toward the \$1.5 million in pledged Brown Bridge Trust Parks Improvement Fund dollars, and the remaining balance to be paid from the Capital Projects Fund; and finally, that the Mayor and City Clerk be authorized to execute funding agreements with Preserve Hickory as necessary to acknowledge funds to be provided by it for projects at Hickory Hills, such agreements subject to approval as to their form by the City Attorney and their substance by the City Manager.
- l. The competitive bidding process be waived, and that the City Manager be authorized to issue a purchase order to Altec Industries, Inc., in the amount of \$16,797.50 for the purchase of two hydraulic lift cylinders for Truck #122, a 2007 TCL&P Freightliner/Altec Aerial Bucket Truck, with funds available in the Garage Fund for this needed repair.
- m. Removed from the Consent Calendar.
- n. The City Manager be authorized to issue a confirming service order to Northern Fire & Safety in the amount of \$9,560.00, for a fire panel at the City Opera House, with funds available in the City Opera House Fund.

CARRIED unanimously. (Werner absent)

Items removed from the Consent Calendar

a.

Consideration of authorizing a lease for use of City property located directly east of 439 East Front Street, as requested by Sparks Barbeque, for use of the space primarily for outdoor dining purposes.

The following addressed the Commission:

Benjamin Marentette, City Clerk

Moved by Richardson, seconded by Haas, that the Mayor and City Clerk execute a lease with Sparks BBQ LLC for it to lease City-owned property directly west of 439 East Front Street, with the terms and conditions as generally described in the City Clerk's March 14, 2016, communication, such lease subject to approval as to its substance by the City Manager and its form by the City Attorney.

Rick Buckhalter, 932 Kelley Street

CARRIED unanimously. (Werner absent)

b.

Consideration of adopting a resolution scheduling a public hearing for April 18, 2016, for a property-owner initiated special improvement district to install a snowmelt system in a portion of the 200 block of East Front Street.

Commissioner Richard Lewis indicated that a member of his family owns one of the properties that is part of this Special Improvement District; and while he does not have a direct financial or contractual interest in the property, there may be the appearance of a conflict of interest. He asked the Commission if they believed he should abstain; and no one responded affirmatively.

The following addressed the Commission:

Marty Colburn, City Manager

Rob Bacigalupi, Downtown Development Authority Executive Director

Lauren Tribble-Laucht, City Attorney

Moved by Richardson, seconded by Shamroe, that the Resolution Scheduling Public Hearing on Special Improvement District No. 2016-002, be adopted, scheduling the public hearing for April 18, 2016.

CARRIED unanimously. (Werner absent)

c.

Consideration of adopting a resolution certifying the following street segments as local streets so they are eligible for Act 51 funds from the State of Michigan: Station Street from Railroad Avenue to Franklin Street; Lake Ridge Drive from 14th Street to 16th Street; 14th Street from its east terminus to Lake Ridge Drive; and 16th Street from its east terminus to Lake Ridge Drive.

The following addressed the Commission:

Dave Green, Director of Public Services

Moved by Richardson, seconded by Howe, that the Resolution Certifying Local Street Segments, which adds certain local street as described in the March 21, 2016 City Commission packet communications, to the official Act 51 map, be adopted.

CARRIED unanimously. (Werner absent)

d.

Consideration of adopting a resolution recommending approval of a request for a new Redevelopment Liquor License with Class C Privileges from Olives & Wine, and authorizing the City Clerk to issue a registration for operation of the license at 201 East Front Street, suite A.

The following addressed the Commission:

Marty Colburn, City Manager
Benjamin Marentette, City Clerk
Rick Buckhalter, 932 Kelley Street

Moved by Howe, seconded by Shamroe, that the resolution recommending approval of the request for a new Redevelopment Liquor License with Class C Liquor License privileges from Olives & Wine, LLC, be adopted, and that the City Clerk be authorized to issue a Liquor License Registration to Olives & Wine, LLC, to operate such license at 201 East Front Street, Suite A.

CARRIED unanimously. (Werner absent)

e.

Consideration of approving the recommendation from the Downtown Development Authority to limit free parking on evenings and weekends at The Larry C. Hardy Parking Garage to November 15 to January 15, effective November 15, 2016, as recommended by the Downtown Development Authority Board of Trustees.

The following addressed the Commission:

Marty Colburn, City Manager
Rick Buckhalter, 932 Kelley Street

Moved by Lewis, seconded by Richardson, that the City Commission approves a revised free parking program for the Larry C. Hardy Parking Garage, effective November 15, 2016, for free parking after 6 p.m. on weekdays and all day on Saturdays and Sundays, for the period of November 15 to January 15 each year, as outlined in the Parking Administrator's March 3, 2016, communication.

CARRIED unanimously. (Werner absent)

3. Old Business

3(a).

Consideration of enacting an amendment to the sign ordinance to allow message board signs to change their message every hour, with such content to be static.

The following addressed the Commission:

Marty Colburn, City Manager

Tom Rockne, Bethlehem Lutheran Church Council President

Moved by Howe, seconded by Haas, that an amendment to the Traverse City Code of Ordinances, Section 1476.05, Prohibited Signs which would allow electronic message board signs to change their message every hour and Section 1476.11, Sign Illumination Regulations, which would allow running or blinking lights on marquee signs, be introduced and scheduled for possible enactment on March 21, 2016.

CARRIED unanimously. (Werner absent)

3(b).

Consideration of enacting an amendment to the Traverse City Code of Ordinances to allow running or blinking lights on marquee signs on buildings which are used solely as a theatre.

The following addressed the Commission:

Marty Colburn, City Manager

Rick Buckhalter, 932 Kelley Street

Moved by Shamroe, seconded by Haas, that an amendment to the Traverse City Code of Ordinances, Section 1476.11, Sign Illumination Regulations which would allow running or blinking lights on marquee signs on buildings solely used as a theater, which was introduced on March 7, 2016, be enacted with an effective date of March 31, 2016.

Roll Call:

Yes - Haas, Howe, Lewis, Shamroe, Carruthers.

No - Richardson.

CARRIED. (Werner absent)

3(c).

Consideration of entering into closed session to discuss an attorney-client communication regarding the Clinch Park Waterscape.

The following addressed the Commission:

Rick Buckhatler, 932 Kelley Street
Marty Colburn, City Manager

Moved by Lewis, seconded by Shamroe, that the City Commission enter into closed session to discuss an attorney-client privileged communication in connection with the Clinch Park Waterscape as authorized by MCL 15.268(h).

Roll Call:

Yes - Haas, Howe, Lewis, Shamroe, Richardson, Carruthers.

No - None.

CARRIED unanimously. (Werner absent)

3(d).

Consideration of a request from The Woda Group for the City Commission to extend the date by which construction must commence in connection with its PILOT at 520 Railroad Avenue to March 17, 2017.

The following addressed the Commission:

Marty Colburn, City Manager

Moved by Howe, seconded by Richardson, that the Amended Resolution Granting Tax Exemption for the property at 520 Railroad Avenue to Depot Commons Limited Dividend Housing Association, LP, which extends the expiration date of the PILOT (as originally established by the City Commission on September 21, 2015), to March 21, 2017, be adopted.

CARRIED unanimously. (Werner absent)

4. New Business

4(a).

Consideration of authorizing a contract for the Phase I Paving and Resurfacing Projects.

The following addressed the Commission:

Marty Colburn, City Manager

Moved by Richardson, seconded by Haas, that the Mayor and City Clerk execute a unit prices contract with Elmer's Crane and Dozer in the amount of \$1,115,686.73, more or less, at the unit prices indicated in its bid, for the 2016 Paving and Resurfacing Phase I Projects, such contract subject to approval as to its substance by the City Manager and its form by the City Attorney, with funds available in the Capital Projects Fund.

CARRIED unanimously. (Werner absent)

5. Appointments

5(a).

Consideration of approving an appointment to the Traverse City Light and Power Board.

Moved by Lewis, seconded by Richardson, that Patrick McGuire be reappointed to one five-year term expiring April 5, 2021, on the Traverse City Light and Power Board.

Kate Madigan, 400 Boughey Street, Michigan Environmental Council
Policy and Energy Specialist
Rick Buckhalter, 932 Kelley Street
Chris Maxbauer, 503 West Eighth Street

Roll Call:

Yes - Lewis, Shamroe, Richardson, Carruthers.

No - Haas, Howe.

CARRIED. (Werner absent)

6. Reports and Communications

The following were received and filed:

- a. Reports, announcements and correspondence from the City Manager.
- b. Announcements from the City Clerk.
- c. Reports, announcements and correspondence from the Mayor and City Commissioners.
- d. Reports and correspondence from other City officials, boards and committees.
 1. Reports from members of the Commission serving on boards.
 2. Minutes of the Traverse City Light and Power Board meeting of February 23, 2016.
 3. Minutes of the Planning Commission meetings of February 2, 2016, and February 17, 2016.
- e. Reports and correspondence from non-City officials.
 1. Monthly Operations Report for the Wastewater Treatment Plant for February 2016 from CH2 M.

Elizabeth Hart, CH2M

7. Public Comment

The following addressed the Commission:

- a. Reserved.

Tina Allen, representing Northwest Michigan Continuum of Care, to discuss "Collaboration of service to those experiencing homelessness in Traverse City and Grand Traverse County."

- b. General.

Chris Maxbauer, 503 West Eighth Street, Grand Traverse County
Commissioner

Rick Buckhalter, 932 Kelley Street
Benjamin Marentette, City Clerk

- c. Mayor and City Commissioners.

Mayor Jim Carruthers

The City Commission entered into closed session at: 8:31 p.m.

The City Commission returned to open session at: 9:05 p.m.

Moved by Shamroe, seconded by Haas, to accept the settlement offer made by Hamilton Anderson, Nealis, Fleis and Vandenbrink and Fountain People collectively in the amount of \$300,000 and that the Mayor and City Clerk be authorized to execute the associated settlement agreement, such agreement subject to approval as to its substance by the City Manager and its form by the City Attorney.

CARRIED unanimously. (Werner absent)

8. Adjournment

There being no objection, Mayor Jim Carruthers declared the meeting adjourned at 9:07 p.m.

Benjamin Marentette, MMC
City Clerk

Approved: _____, _____
(Date) (Initials)